IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.5098 of 2003

Shripati Parvati Yadav @ Daund — Petitioner

Vs.

Babaa @ Laxman Parvati Yadav
@ Daund & ors. — Respondents

Mr.R.D.Barve and Mr.G.S.Godbole for petitioner.
Mr.A.A.Garge for Resp.Nos.1 to 3.

CORAM: B.H.MARLAPALLE,J.

June 14, 2006.

P.C.

. Heard Mr.Barve, the learned counsel for the petitioner who was plaintiff in Regular Civil Suit No.90 of 1990. The said Suit was decreed by the learned Civil Judge, Junior Division at Saswad, Dist.Pune on 30th June 2000 and the said decree came to be challenged in Civil Appeal No.639 of 2000. While the said appeal was pending an application at Exhibit 15 came to be moved under Order VI Rule 17 of CPC for amendment of the plaint before the lower Appellate Court on 1/10/2002 and by the impugned order dated 2/12/2002 the application came to be rejected.

. By the proposed amendment it was tried to be

contended that Smt.Rakhamabai was married for the second time in May 1956 instead of the original pleading that the said second marriage had taken place in the year 1959. The learned Judge of the trial Court noted that the appellant-plaintiff was trying to change the date of marriage of Smt.Rakhamabai with an intention to set aside the decree which was passed on the basis of the earlier proceedings and that too the amendment was tried to be sought after about 12 years. The learned Judge did not agree that it was a typographical mistake or it was a mistake by oversight. The learned counsel for the respondents has taken me through the pleadings i.e. the plaint, the issues framed and the evidence led by the plaintiff and it was consistently the case of the plaintiff that Smt. Rakhamabai was married in the year 1959. It is further pointed out that the Hindu Succession Act was brought into force from 17/6/1956 and, therefore, the plaintiff was, by way of an after thought, trying to suggest that Smt.Rakhamabai was married for the second time before the said Act was brought into force.

. The reasoning given by the trial Court does not call for any interference in this petition under

Article 227 of the Constitution as the said reasoning

cannot be termed as perverse or grossly erroneous.

. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)